

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY


(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

REC'D 03 FEB 2005

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Applicant's or agent's file reference 0-2264		FOR FURTHER ACTION		See Form PCT/PEA/416
International application No. PCT/BE2004/000040		International filing date (day/month/year) 18.03.2004	Priority date (day/month/year) 18.03.2003	
International Patent Classification (IPC) or national classification and IPC B07C5/342, G01N21/85, G01N21/15				
Applicant PULSARR INDUSTRIAL RESEARCH B.V. et al.				
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 5 sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input type="checkbox"/> sent to the applicant and to the International Bureau a total of sheets, as follows:</p> <p><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>				
<p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the opinion</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII Certain observations on the international application</p>				
Date of submission of the demand 15.10.2004		Date of completion of this report 04.02.2005		
Name and mailing address of the International preliminary examining authority:  European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016		Authorized Officer Verdoodt, E Telephone No. +31 70 340-3577		



**INTERNATIONAL PRELIMINARY REPORT
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International application No.
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Box No. I Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language , which is the language of a translation furnished for the purposes of:
- ☐ international search (under Rules 12.3 and 23.1(b))
 - ☐ publication of the international application (under Rule 12.4)
 - ☐ international preliminary examination (under Rules 55.2 and/or 55.3)
2. With regard to the **elements*** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

Description, Pages

1-9 as originally filed

Claims, Numbers

1-24 as originally filed

Drawings, Sheets

1/5-5/5 as originally filed

- ☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages
 - ☐ the claims, Nos.
 - ☐ the drawings, sheets/figs
 - ☐ the sequence listing (*specify*):
 - ☐ any table(s) related to sequence listing (*specify*):
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages
 - ☐ the claims, Nos.
 - ☐ the drawings, sheets/figs
 - ☐ the sequence listing (*specify*):
 - ☐ any table(s) related to sequence listing (*specify*):

* If item 4 applies, some or all of these sheets may be marked "superseded."

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Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	4-7,11-16
	No: Claims	1-3,8-10,17-24
Inventive step (IS)	Yes: Claims	
	No: Claims	1-24
Industrial applicability (IA)	Yes: Claims	1-24
	No: Claims	

2. Citations and explanations (Rule 70.7):

see separate sheet

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Re Item V.

- 1 The following document is referred to in this communication:

D1: EP-A-0 396 290 (RADIX SYSTEMS LTD) 7 November 1990 (1990-11-07)

D2: WO 00/58035 A (CAMPBELL DUNCAN B ;LEIDECKER CLIFF J (US);
HOFFMAN TODD E (US); SQ) 5 October 2000 (2000-10-05)

D3: US-A-4 473 279 (SAKAKI HIDEKI) 25 September 1984 (1984-09-25)

D4: US-A-5 954 206 (MALLON JOHN ET AL) 21 September 1999 (1999-09-21)

2 INDEPENDENT CLAIM 1

- 2.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 1 is not new in the sense of Article 33(2) PCT. Document D1 discloses (the references in parenthesis applying to this document):

- 2.2 Device for the inspection of products, whereby this device comprises means to convey (col.3, line 57-col.4, line 2) these products over a track (11) in the shape of a product flow extending in the width (see figures 5B and 6), characterised in that it comprises at least one scanner (14) (Col. 3, lines 44-51: col. 1, lines 42-51) to inspect the products, whereby this scanner is situated on one side of the aforesaid track (11) (see figure 5B).

- 2.3 Document D1 shows four cameras positioned alongside the track. The words "on one side of the track" as in claim 1, could however also be interpreted as to mean the upper and lower side of the track. In case this interpretation is used, many more documents would fall in the scope of claim 1. (reference is made to the Search Report drawn up for the application)

It is however clear from the drawings and description (Page 2, lines 6-8; page 4, lines 19-21; page 8, lines 11-13), as well as dependent claim 3, that in this case it is meant that the scanners are positioned along side the track.

3 INDEPENDENT CLAIM 17

- 3.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 17 is not new in the sense of Article 33(2) PCT. Document D1 discloses (the references in parenthesis applying to this document): Method for the inspection of products, whereby these products are conveyed along a track (11) in the shape of a product flow extending in the width and whereby these products are scanned, characterised in that at least one scanner (14) is applied which is situated on one side of the aforesaid track (11).

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4 DEPENDENT CLAIMS 2-16, 18-24

- 4.1 Dependent claims 2-16, 18-24 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and/or inventive step (Article 33(2) and (3) PCT).
- 4.2 Claims 2 and 3: D1 shows four scanners situated on either side of the track, two of which scan the products of the lower side, in a slanting direction, while they are entirely beside the track.
- 4.3 Claim 4: D2 shows a scanner (90) erected according to a vertical plane with its longitudinal direction along the side of the track.
- 4.4 Claim 5: D2 shows a bending mirror (96).
- 4.5 Claim 6: D2 shows mirrors whose angle can be set (page 10, lines 6-7).
- 4.6 Claim 7: D2 shows a screen (figure 2) and a cleaning device (114). D3 shows also a wiper (16).
- 4.7 Claim 8: D1 uses a conveyor belt (11), from which the products fall to be scanned in free fall.
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- 4.8 Claim 9: D1 shows even four cameras as scanners. Document D4 also shows the arrangement of three cameras, each one of which covers a 120° sector, so all three assure a full 360° inspection of a product. (See figure 7 and 8 and col. 10, lines 26-33)
- 4.9 Claim 10: D1 also shows a pneumatic sorting unit, driven by a control unit.
- 4.10 Claims 11 and 12: D2 can be read against the wording of claim 11, even though the window (102) is positioned almost horizontally: the side of the window directed towards the product flow is parallel, so at an angle less than 90°, to a horizontal plane extending as of the lower edge, that is the lower side, of the window.
- 4.11 Claim 13: Document D3 also shows a window (8) which extends almost vertically.
- 4.12 Claims 14 and 16: D2 shows a blowing device (114) to create an air flow in the shape of a curtain, along the side of the window directed towards the product flow. (page 12, lines 1-5)
- 4.13 Claim 15: The window in D2 is also sealed by light transmitting material.
- 4.14 Claims 18,20,22,23: All features can be found in D1 (See also respectively 4.2, 4.8 and 4.9 above)
- 4.15 Claim 19: D1 shows (see figure 5B) the scanners scanning the entire product flow.
- 4.16 Claim 21: D1 shows the scanning as the products perform a coasting flight motion.
- 4.17 Claim 24: D1 shows four sides at which the products are scanned. D4 shows three sides rotated at 120° in relation to each other (See figure 7 and 8 and col. 10, lines 26-33).